REMARKS

In the August 26, 2008 Office Action, all of the claims stand rejected in view of prior art. No other objections or rejections were made in the Office Action.

Status of Claims and Amendments

None of the claims are being amended by the current Amendment. New dependent claim 10 has been added. Thus, claims 1-10 are pending, with claim 1 being the only independent claim. Reexamination and reconsideration of the pending claims are respectfully requested in view of above amendments and the following comments.

Rejections - 35 U.S.C. § 102

In paragraph 2 of the Office Action, claims 1-3 and 6-9 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,245,182 (Nakamura et al.). Applicant respectfully asserts that the rejection is improper because a prima facia case of anticipation has not been established. Specifically, the prior art fails to disclose or suggest each and every limitation of the claimed invention.

Independent claim 1 recites a ***thermosetting*** and active energy ray curable resin composition that includes, *inter alia*, ***a heat-curing agent***.

The cited prior art fails to disclose or suggest a ***thermosetting and active energy ray curable resin*** and further fails to disclose or suggest ***a heat-curing agent***.

The Nakamura et al. patent does not teach thermosetting compositions nor does it disclose a heat-curing agent. Rather, the Nakamura et al. patent teaches ***a transfer material 6 that is heated in order to soften the transfer material 6*** (see column 11, lines 1-9, column 12, lines 21-38 and claim 10). ***After heat softening***, the transfer material 6 is transferred to a

molded article 7, and thereafter irradiated for curing and polymerization (see column 8, lines 1-11, column 8, lines 45-52 and claim 10).

Nowhere in the Nakamura et al. patent is thermosetting or a heat curing agent mentioned, suggested or described.

The Office Action alleges on page 2 that polyfunctional isocyanate of the Nakamura et al. patent is a heat curing agent. Applicant strongly disagrees because this allegation is flatly contradicted by the teachings of the Nakamura et al. patent. The Nakamura et al. patent specifically teaches heating the transfer material 6 (which includes the polyfunctional isocyanate) ***in order to soften the material, not cure it***. Thereafter, the transfer material 6 is transferred in its softened state to the molded article 7. Then, and only then the transfer material 6 is cured ***by irradiation, not by heating***.

The claimed invention is ***not*** disclosed or suggested by the Nakamura et al. patent or any other prior art of record. It is well settled under U.S. patent law that for a reference to anticipate a claim, the reference must disclose each and every element of the claim within the reference. Therefore, Applicant respectfully submits that claim 1 is not anticipated by the prior art of record. Withdrawal of this rejection is respectfully requested.

Moreover, Applicant believes that the dependent claims 2-10 are also allowable over the prior art of record in that they depend from independent claim 1, and therefore are allowable for the reasons stated above. Also, the dependent claims 2-10 are further allowable because they include additional limitations. Thus, Applicant believes that since the prior art of record does not anticipate the independent claim 1, neither does the prior art anticipate the dependent claims.

Applicant respectfully requests withdrawal of the rejections.

Rejections - 35 U.S.C. § 103

In paragraph 5 of the Office Action, claims 4 and 5 stand rejected under 35 U.S.C. §103(a) as being unpatentable over the Nakamura et al. patent in view of U.S. Patent No. 4,837,274 (Kawakubo et al.).

As discussed above, Applicant respectfully asserts that independent claim 1 is allowable over the Nakamura et al. patent. Applicant believes that the dependent claims 4 and 5 are allowable over the prior art of record in that they depend from independent claim 1, and therefore are allowable for the reasons stated above. Also, the dependent claims 4 and 5 are further allowable because they include additional limitations. Thus, Applicant believes that since the prior art of record does not disclose or suggest the invention as set forth in independent claim 1, the prior art of record also fails to disclose or suggest the inventions as set forth in the dependent claims.

Therefore, Applicant respectfully requests that this rejection be withdrawn in view of the above comments and amendments.

New Claim 10

New dependent claim 10 depends from allowable claim 1 and is therefore also believed to be allowable.

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In view of the foregoing amendment and comments, Applicant respectfully asserts that claims 1-10 are now in condition for allowance. Reexamination and reconsideration of the pending claims are respectfully requested.

Respectfully submitted,

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